

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE**

In Re: Dial Complete Marketing and Sales )	
Litigation (MDL No. 2263) )	MDL Docket No. 11-md-2263-SM
)	ALL CASES
)	
)	

**EXPERT REPORT PREPARED BY DR. JOHN F. BURKE, JR., PH.D. and DR.  
HARVEY S. ROSEN, PH.D.**

**Re: Dial Complete Marketing and Sales Litigation (MDL No. 2263)**

**Purpose and Scope of Analysis**

1. Burke Rosen & Associates has been retained by Plaintiffs' counsel as consultants and expert witnesses in the above referenced case. The scope of our retention is to review and analyze case related documents, available economic data, and provide an opinion with respect to the economic damages, if any, incurred by the members of the Classes as described and defined in Plaintiffs' Consolidated Amended Class Action Complaint (the "Classes") as a result of alleged actions of The Dial Corporation ("Dial" or the "Company").

**Background**

2. The hand soap market is a \$750 billion per year market. Dial is one of the largest participants and competes in the market with other large companies such as the Proctor & Gamble Company, the Colgate-Palmolive Company, Unilever and smaller companies such as GoJo.
3. Dial is the manufacturer of, among other products, Dial Complete Antibacterial Foaming Hand Soap ("Dial Complete" or the "Product"). Dial has made, distributed, and sold Dial

Complete since 2001, making representations on the product label purporting “10X more effective germ kill,” “Superior Germ Kill,” and similar language. In 2009, Dial introduced a new packaging scheme that included the labeling claim, “Kills 99.99% of Germs.” Plaintiffs’ counsel represents that these express labeling claims are false, deceptive, and misleading, and furthermore that the underlying message implied by these express labeling claims – that by washing with Dial Complete, consumers can protect themselves from germs, and the illnesses and diseases caused by germs, better than they could have if they washed their hands with any other soap product – is also false, deceptive, and misleading because washing with other soap products provide the same health benefits as washing with the Product. We refer to the express claims and the underlying message as the “Challenged Claims.” Put another way, Plaintiffs’ counsel has represented to us that Dial misrepresented the benefits of using Dial Complete through the Challenged Claims.

#### **Economic Damage Methodology**

4. The members of the Classes’ damages can be reasonably estimated by calculating the average differences in retail prices between Dial Complete and a range of alternative competing substitute products that provide consumers with the same health benefits they would have had if they had used one of the alternative products, including anti-bacterial and non-antibacterial liquid hand soaps or other comparable products. It is, however, possible to compute economic damages as the circumstances are common to each consumer.

5. The damage models available to compute damages would be governed by law but would conform to generally accepted economic theory and methodology utilized and accepted by most economists when making these types of calculations.
6. Essentially, these models measure damages by disgorging different financial metrics:
  - Disgorgement of the total purchase price paid by consumers;
  - Disgorgement of the total wholesale price charged by Dial;
  - Disgorgement of any premium paid by consumers; or
  - Disgorgement of the profit contribution (Product sales less variable expenses of production and distribution of the Product) accruing to the Company by its sale of the Product to consumers.
7. A variety of different statistical and analytical tools, which could include multiple regression, logit regression, market survey data, and actual sales data can be employed in order to measure whether or not any premium paid for Dial Complete can be attributable to product characteristics such as, packaging, scent, foam, demand elasticity, published statements on Dial Complete packaging or other advertising or other characteristics that differentiate these products from one another, other than the Challenged Claims. In addition to the statistical tools, we regularly involve other specialists to assist with the design and implementation of marketing surveys to gather data on consumer behavior.

**Data Required**

8. The data for the first and second metric, disgorgement of the entire purchase price paid by consumers or the entire purchase price paid by distributors would include: total sales, average price and quantity sold at retail/wholesale for the entire damage period, by geographic market.

9. The data for the third metric, premium paid by consumers, would require market data for retail sales which would include: the average market price in a time period, the quantity sold at those prices either in aggregate by time period or by different market classifications (Drug, Mass Merchandise, Food, etc.), or geographic area with the same information required for all substitute products (cross elasticity of demand) to determine an average premium charged.
10. The premium would need to be analyzed to determine whether or not any premium found could be attributed to product characteristics, other than Challenged Claims, that could also contribute to a premium paid for either real or imagined differences, such as packaging, foam, or other characteristics important to consumers that they would be willing to pay a premium for.
11. The third metric would require information on total sales and cost information from Dial so that a determination of variable and fixed expenses associated with the production of Dial Complete could be computed. From that data, a profit contribution, from the sales of Dial Complete can be calculated. The profit contribution is the net monetary gain that results from sales revenue, after deducting the direct operating costs that would have been incurred to produce those sales.
12. The ability to conduct the analysis is dependent on the availability of data. The necessary data may be available from Dial's own documents or from outside third party market data vendors such as Information Resources, Inc. ("IRI"), now the Symphony IRI Group, or Nielsen, a market research company. These data providers collect data from checkout scanners and sell the information to companies like Dial. Indeed, companies like Dial commonly subscribe to these data service providers to gather data on average sales

prices, market share, etc. of their own products, including Dial Complete, or competitive products. Dial may already possess this information as part of their normal business record keeping.

13. The data should include:

- Retail scanner data for all Stock Keeping Unit numbers (“#SKU”) for all flavors of Dial Complete, Dial Liquid and Dial bar soap and other competing products;
- Data collected from: Food, Drug, Merchandise, Mass (wholesale clubs), and any other classification of data collection;
- Data collected weekly, monthly or quarterly for the entire damage period;
- Data for the entire United States or specific States of different members of the Classes;
- Data should contain the dollar quantity sold, unit price, and units sold;
- A code book which translates the meaning of any abbreviations used in the database; and
- A complete code book listing all the #SKU’s for the above products.

#### **Preliminary Analysis**

14. Although the calculation of actual damages cannot be measured until the requisite data outlined above is provided, we have made a preliminary analysis to determine whether or not a price premium exists between Dial Complete and other liquid hand soaps manufactured by Dial.

15. A preliminary review of data contained in “Marketing Pricing Reports “ (DIALCMPLT 000084037R through DIALCMPLT 000084089R), provided by Dial, for six different geographic markets where “Dial Complete Pump” and “Dial Pump” are sold was

undertaken. Plaintiffs' counsel has represented to us that "Dial Complete Pump" is the Product and that "Dial Pump" is a different product sold by Dial known as Dial Gold that is not marketed with the Challenged Claims. The report provides data on selected weeks in 2008 and 2009 and indicates the retail price for these products during that week. There were a few instances where one product or the other was on promotion. There was no quantity data provided so that the price comparison could not be done on a weighted average basis but on a straight price comparison only. On that basis there was an average premium charged for "Dial Complete" over "Dial Pump" of approximately fifty-four cents (\$.54) per unit. This premium requires additional analysis, as previously discussed, to account for the other differences between these two products that consumers are willing to pay for. Or stated differently, to determine how much less a consumer would be willing to pay for the product if the Challenged Claims are found to be false, deceptive, or misleading.

16. Given the availability of necessary data, the reasonable value of damages suffered by consumers who purchased Dial Complete at a premium can be determined to a reasonable degree of economic and statistical certainty. Likewise, members of the Classes' damages can be computed as the circumstances would be common to each consumer.

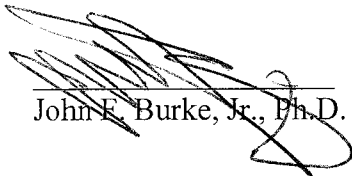
17. We certify to the best of our knowledge and belief:

- The statements of fact contained in this report are true and correct.
- We have no bias with respect to the parties involved with this assignment.
- Our retention in this assignment was not contingent upon developing or reporting predetermined results.

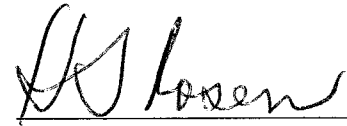
- We are being compensated for our time in reviewing data and documents and performing the economic analysis at a rate of \$425 per hour. If testimony is required by deposition or at trial our rate is \$1,200 for the first two hours and \$425 per hour thereafter.
- We have attached our curriculum vitae as "Exhibit A", which outlines our educational backgrounds, academic and professional experience and publication history. In addition, we have enclosed our testimony history for the past 48 months.

We declare under penalty of perjury under the laws of the United States of America that the foregoing statements are true and correct to the best of our knowledge and belief.

Dated this 15 day of November, 2012  
In Cleveland, OH



John F. Burke, Jr., Ph.D.



Harvey S. Rosen, Ph.D.,

Burke, Rosen and Associates, Economists

**REFERENCES**

- DIALCMPLT000084037R- DIALCMPLT000084089R
- DIALCMPLT119563-119565
- DIALCMPLT128341
- DIALCMPLT923280
- DIALCMPLT 113981-113984
- DIALCMPLT 4809-4810
- DIALCMPLT 84960
- DIALCMPLT 84959
- DIALCMPLT 5280-5307
- DIALCMPLT1465-1481
- DIALCMPLT 2458
- DIALCMPLT 32355
- DIALCMPLT 6994-7048
- DIALCMPLT 6344
- DIALCMPLT 128180-128182



Dr. Burke  
Depo's and Test's

Date	Depo	Test	Location/Judge	Our File	Caption	Case Number
11/14/2012	X		Cuyahoga Co., Burke Rosen & Associates	Pantages, Pamela/Nist, Brandon		
11/13/2012	X		Cuyahoga Co., Burke Rosen & Associates	Brown, Geoffrey/Brock, Todd		
11/2/2012		X	Summit Co., Judge Cosgrove (visiting)	Weinberger, Pete/Biagiotti, David		
10/23/2012	X		Cuyahoga Co., Burke Rosen & Associates	Tushman, Chad/Stoler, Bill		
10/22/2012	X		Cuyahoga Co., Burke Rosen & Associates	Harris, Jay/Winner, Kevin		
10/18/2012	X		Cuyahoga Co., Mehler & Hagstrom	Brannon, Dwight D./Fountain, Karla		
10/16/2012		X	Cuyahoga Co., Judge Sutula	Weisman, Mitchell/Otto, Terry E.		
10/10/2012	X		Spangenberg Shibley & Liber (Cuy. Co.)	Weinberger, Peter/Biagiotti, David		
10/8/2012	X		Cuyahoga Co., Burke Rosen & Associates	Krause, David H./Nettles, Jeffrey		
9/13/2012		X	Chicago	McKenna, Mark/Hill, Ryan	Hill v. Northwestern Memorial Hospital	06 L 000908
9/10/2012		X	Summit Co.	Hart, Patrick J./Agens, Simon		
9/5/2012	X		Cuyahoga Co., Cefaratti Group	McKenna, Mark/Hill, Ryan	Hill v. Northwestern Memorial Hospital	06 L 000908
8/28/2012		X	Franklin Co., Judge Travis	Magaziner, Blair L./Reed, Traci	Michael Reed v. Ohio Department of Transportation	2010-02065
8/21/2012	X		Cuyahoga Co., Burke Rosen & Associates	DeSantis, Vicki/Street, Ronald		
8/15/2012	X		Hermann Cahn & Schneider	Schneider, Kent/Eiben, Liam		
8/10/2012		X	Cuyahoga Co., Judge Matia	Mester, Tomi/Evans, Nala		CV-10-743890
8/1/2012		X	Franklin Co., Judge Travis	Wayman, Meri/Warden, Richard W.		
7/13/2012	X		Cuyahoga Co., Burke Rosen & Associates	Mathews, Laurel/Upper, Sandra		
7/12/2012		X	Franklin County	Squire, Percy/Ross, Lauren		
7/12/2012		X	Summit Co., Hon. Gallagher	Whitaker, William/Rinehart, Jason		
7/10/2012		X	Summit Co. Court of Common Pleas	Cody, Daniel/Bodine, Brian		
7/6/2012	X		Cuyahoga Co., Burke Rosen & Associates	Mills, Laura L./Robinson, Andrea		
6/25/2012	X		Cuyahoga Co., Burke Rosen & Associates	Becker, Michael F./Stella, Charlie		
6/19/2012	X		Cuyahoga Co., Burke Rosen & Associates	Corey, Louis G./Lee, Jr., Clifford		
6/18/2012	X		Cuyahoga Co., Nurenberg Paris	Lebovitz, Jamie/Bush, Evan		
6/14/2012	X		Cuyahoga Co., Burke Rosen & Associates	Zimmerman, Brian/Kuczirka, Trina		
6/13/2012	X		Cuyahoga Co., Burke Rosen & Associates	Brannon, Dwight/ Osborn, Gabrielle		
6/1/2012	X		Cuyahoga Co., Nurenberg Paris	Mester, Thomas/ Evans, Nala		
5/24/2012	X		Cuyahoga Co., Littler Mendelson	Petrov, Daniel/ Nickel, Roger		
5/15/2012		X	Cuyahoga Co., Judge Mason	Norton, John/Gullo, Janet		
4/30/2012	X		Cuyahoga Co., Burke Rosen & Associates	Bullock, John/Woods, Ady-Zeona		
4/24/2012		X	Cuyahoga Co., Judge Sweeney	Mester, Jonathan/Ressler, Mark		
4/23/2012		X	Cuyahoga Co., Judge Calabrese	Polk, Shannon/Southworth, John	John D. Southworth v. Northern Trust Securities, Inc., et al.	CV 09 688175
4/6/2012	X		Hermann Cahn & Schneider	Schneider, Kent/Liburd, Lorenzina		
3/29/2012	X		Burke Rosen & Associates, Cuyahoga Co.	McNamara, Robert/Dill, Rebekah		
3/27/2012		X	Athens, OH, Judge Goldsberry	McLaughlin, Craig/Alexeev, Vladimir		
3/16/2012		X	Medina Co., Kudge Kimbler	Brown, Stephen J./Mulkerin, Holly		
3/12/2012	X		Cuyahoga Co., Burke Rosen & Associates	Bashien, Craig W./Piskura, Kevin	Mary Piskura, et al. v. Taser International, Inc., et al.	C-1-10 -248
3/12/2012		X	Cuyahoga Co., Renillo Court Reporting	Stoper Jr., Richard/Mathews, Eileen	Benesch, Freidlander, Coplan & Arnoff v. Eileen T. Mathews	53 160 338 10
2/28/2012	X		Cuyahoga Co., Burke Rosen & Associates	Pierre-Louis, Lloyd/Best Lighting Products		
2/22/2012	X		Cuyahoga Co., Fisher & Phillips	Stoper Jr., Richard/Mathews, Eileen		
2/3/2012	X		Cuyahoga Co., Cady Court Reporters	Corey, Louis/Kim, Kenneth	Benesch, Freidlander, Coplan & Arnoff v. Eileen T. Mathews	53 160 338 10

Dr. Burke  
Depo's and Test's

Date	Depo	Test	Location/Judge	Our File	Caption	Case Number
2/1/2012		X	Columbus US District Court, Judge Marbley	Hirshman, Tobias/Novovic, Rama	Novovic, et al. v. Greyhound Lines, et al.	2:09-CV-753
1/20/2012		X	Cuyahoga Co., Judge Ambrose	Weinberger, Peter/Johnson, Lamont	Lamont Johnson, deceased v. Cleveland Clinic, et al.	CV-09-712143
1/9/2012	X		Cuyahoga Co., Burke Rosen & Associates	Petersen, Susan/Wojciehowski, Elizabeth	Terry Wayne v. Facial Plastic & Aesthetic Laser Centre	738227
12/8/2011	X		Cuyahoga Co., Burke Rosen & Associates	Cody, Daniel/Bodine, Brian		
12/7/2011		X	Cuyahoga Co., Judge Stellacy	Moore, Keith/Krauss, Ted	Ted C. Krauss v. CSX Transportation, Inc.	CV09-712712
11/10/2011		X	Hamilton Co., Judge Hemlick	Tullis, Timothy/Kosciuk, Christopher		
11/8/2011	X		Cuyahoga Co., Burke Rosen & Associates	Mani, Jonathan/Morgan, Nancy		
10/27/2011	X		Dubyak Connick Thompson & Bloom	Dubyak, Robert/Reinberg, Bonnie		CV-10-728274
10/26/2011	X		Cuyahoga Co., Burke Rosen & Associates	Balser, Brian/Clemons, Deborah	Amy Martincak v. Cleveland Clinic Foundation et al.	10CV167427
10/18/2011		X	Cuyahoga County, Donald Nugent	Michelson, Deborah/Groeneveld		
10/14/2011		X	Stark County	Houston, Denise/Cecchini, Guy		
10/5/2011		X	Cuyahoga County	Marks, Denise/Marks, Bruce	Bruce Marks v. Morgan Stanley Smith Barney et al.	
9/28/2011	X		Dubyak Connick Thompson & Bloom	Dubyak, Robert/Reinberg, Bonnie	Equity Planning Corp. v. The Travelers Indemnity Co.	CV-10-728274
9/21/2011	X		Cuyahoga Co.	Paris, David/Spaid, William		
9/12/2011		X	Wayne Co. Circuit Court, Amy Hathaway	Hilborn, Craig/Matteucci, Jason	Jason Matteucci v. The Environmental Quality Company	303743
8/18/2011		X	Marshall Co., WV	Blass, Scott/Timmons, Lewis		
8/11/2011	X		Cuyahoga Co., Burke Rosen & Assoc	Tullis, Timothy/Kosciuk, Christopher	Christopher Kosciuk v. SW Ohio Regional Transit Authority	
8/9/2011	X		Lucas, Co., Law Office of Bonnie Haims	Haims, Bonnie/Cantu, Jr., Armando		
8/5/2011	X		Cuyahoga Co., Gallagher Sharp	Richard, Brendan/Tussing, Andrew G.	Andrew Tussing v. Lawrence Lanskrone	CV-10-739602
7/21/2011		X	Summit Co., Judge Rowlands	Gurbach, Matthew/Pepperl + Fuchs	Pepperl + Fuchs v. All Sensors Corp.	2009-12-9088
7/20/2011	X		Cuyahoga Co., Burke Rosen & Assoc	Sophie, Kenneth/Guerrero, Tammy	Estate of Tammy Guerrero v. Kurt Linsenmeyer	C10200906267
7/11/2011		X	Clermont Co., Judge Herman	Combs, Ann/ Meese, Gale	Gale Meese, et al. vs. Mercy Hospital Clermon	2009CVA1279
6/27/2011		X	Cuyahoga Co., Judge E. Gallagher	Obral, Mark/ Jontony, Henry		
6/22/2011		X	Knox Co. Common Pleas, Judge Curran	Rinehardt, John/ Carver, Merle		
6/17/2011	X		Cuyahoga Co., Burke Rosen & Assoc	Brown, Stephen/ Mulkerin, Holly	Holly Mulkerin vs. Donald Cho, M.D.	440329
6/16/2011		X	Washington County, Judge Lane	Brown, Geoffrey/ McLaughlin, Drumand	Druman McLaughlin v. American Electric Power Co.	10 OT 0050
6/14/2011	X		Cuyahoga Co., Burke Rosen & Assoc	Gurbach, Matthew/ Pepperl + Fuchs		
6/9/2011	X		Cuyahoga Co., Burke Rosen & Associates	Crandall, Stephen/ Smaw, Avis		
5/17/2011		X	Cuyahoga Co., Judge McClellan	Beris, Richard/ Smith, Brandi		
5/11/2011		X	Battle Creek, Michigan, Hon. Conrad Sindt	Corey, Louis/ Varner, Theresa		
5/3/2011		X	Cuyahoga Co., Judge Patrick Kelley	Bullock, John/ Cox, Joseph	Joseph Cox et al vs. MetroHealth Medical Center	656202
5/2/2011		X	India, via internet	Griffith, Joe/ Saha, Anu		
4/27/2011	X		Cuyahoga C., Burke Rosen & Associates	Killino, Jeffrey/ Govoni, August		
4/27/2011		X	India, via internet	Griffith, Joe/ Saha, Anu		
4/26/2011		X	India, via internet	Griffith, Joe/ Saha, Anu		
4/21/2011	X		Cuyahoga C., Burke Rosen & Associates	Rinehardt, John/ Carver, Merle		
4/20/2011	X		Stark Co.	Adlon, James/ Cecchini, Guy	Jennifer Cecchini vs. Gaetano Cecchini, et al	2010-DR 00063
4/14/2011		X	Lorain Co., Judge Betleski	Pantagos, Pam/ Harper, Hanna	Hanna Harper, et al vs. Kristi Ann Johnson, M.D., et al	
3/3/2011		X	Franklin Co., Judge McIntosh	Valentine, Anne/ Aquino, Neal		
3/1/2011	X		Cuyahoga Co., Burke Rosen & Assoc	Markjohn, Darrell/ Egli, Faith	Faith Egli v. Congress Lake Club, et al	2008 CV 03491
2/28/2011		X	Crawford Co., Judge Crawford	Shimko, Timothy/ Angelini, John	First Federal Bank of Ohio vs. John Angelini, Jr.	03-CV-0098
2/23/2011	X		Cuyahoga Co., Mehler and Hagestrom	Brannon, Dwight/ Fridley, Mark, Denise and		

Dr. Burke  
Depo's and Test's

Date	Depo	Test	Location/Judge	Our File	Caption	Case Number
2/16/2011	X		Cuyahoga Co., Elk and Elk	Kelley, James/ Moore, Patricia		
2/11/2011		X	Cuyahoga Co.,	Ahern, Ann Marie/ Parks, Gloria	Gloria Parks v. University Hospital Med Center	CV 09 681964
2/9/2011		X	Cuyahoga Co., Judge John Sutula	Wuliger, William/ Marks, Bruce		
2/9/2011	X		Cuyahoga Co., Burke Rosen & Assoc	Bulloch, John/ Cox, Joseph		
2/4/2011		X	Cuyahoga Co., Judge Corrigan	Corr, Jack/ West Gate Ford	West Gate Ford Truck v. Ford Motor Company	CV 02 483526
1/26/2011		X	Summit Co., visiting Judge	Desantis, Vicki/ Hayward, Theresa		
1/24/2011	X		Cuyahoga Co., Mehler and Hagestrom	McKenna, Mark/ Tolentino, Jailene	Julia Rivera for Jailene Tolentino v. Norwegian American	MRM/06-69
1/20/2011		X	Summit Co., Judge Cosgrove	Morrison, Jack/ Scott, Roger	Estate of Roger Scott vs. Dennis McCluskey, M.D.	CV 2005 07 4065
1/18/2011	X		Cuyahoga Co., Mehler and Hagestrom	McKenna, Mark/ Hill, Ryan		
1/14/2011	X		Cuyahoga Co., Burke Rosen & Assoc	Crandall, Steve/ Richards-Cox, Marlena		
1/11/2011	X		Cuyahoga Co., Burke Rosen & Assoc	Kovac, James/ Embry, Cheryl	Cheryl Embry v. K & D Group	CV 08-5661590
1/7/2010	X		Cuyahoga Co., Burke Rosen & Assoc	Smith, Russell/ Ripley, Brenda	Brenda Ripley v. R & R Drummonds, L. L. C	1:09CV2642
12/20/2010		X	Cuyahoga Co., Judge Corrigan	Corr, Jack/ West Gate Ford	West Gate Ford Truck v. Ford Motor Company	CV 02 483526
12/7/2010		X	Cuyahoga Co., Judge Mason	Mishkind, Howard/ Busch, Dwyne		
11/19/2010		X	Cuyahoga Co., Judge Calabrese	Petersen, Susan/ Marzullo, Ruthie		
11/17/2010	X		Gallagher Sharp, Cuyahoga Co.	Larsen, Lynn/ Moran, Robert	Robert Moran v. Ritzler, Coughlin, Swansinger	06-588248
11/12/2010		X	Stark Co	Chae, Susan/ Rosales, Robert		
11/2/2010	X		Chicago, IL, Hurley McKenna & Mertz	Hurley, Chris/ Stephan, Mark	Stephan v. Serotta	07 L 010283
10/18/2010		X	Richland Co., Judge Henson	Murray, D. Kim / Cook, Horace	Horace D. Cook, Jr. et al vs. The Sportsman's Den, Inc.	
10/5/2010	X		Cuyahoga Co., Mehler and Hagestrom	Galligan, Brian/ Brown, Larry	Estate of Larry Brown vs. State of Ohio	CL110094
10/1/2010	X		Cuyahoga Co., Thompson Hine	Hopkins, Greer/ Dallas, Kimberly		
9/30/2010		X	Lucas Co., Judge Stacy Cook,	Tuschman, Chad/ Reinhart, Chad	Reinhart, et al v The Toledo Hospital	
9/17/2010		X	Summit Co., Judge Dowd	Brule, Tom/ Dunkin Donuts		
9/1/2010	X		Cuyahoga Co., Baker Hostetler	Corr, Jack/ West Gate Ford	West Gate Ford Truck v. Ford Motor Company	CV 02 483526
8/31/2010	X		Cuyahoga Co., Office of Richard Alkire	Ellis, Damon/ Hise, Cheyenne		
8/26/2010	X		Cuyahoga Co., Hahn Loeser	Alkire, Richard/ Glass, John		
8/25/2010	X		Cuyahoga Co., Thompson Hine	Belcher, Michael/ Pittman, Randy	Ticor Title Insurance Co., v. Title Assurance & Indemnity	1:09-cv-775
8/24/2010	X		Cuyahoga Co., Vorys, Sater, Seymour &	Robinson, Scott/ Rudisill, Norman		
7/23/2010	X		Cuyahoga Co., Burke Rosen & Assoc	Ahern, Ann Marie/ Parks, Gloria	Gloria Parks v. University Hospital Med Center	CV 09 681964
7/21/2010	X		Cuyahoga Co., Spangenberg Shibley & Libe	Malone, Michael/ Meade, Michelle		
7/9/2010	X		Cuyahoga Co., Thorman Hardin Levine	Hawal, William/ Knase, Lorelai		
6/30/2010	X		Cuyahoga Co., Frantz Ward	Petrov, Daniel/ Cipriano, Karen		
6/29/2010	X		Cuyahoga Co., Burke Rosen & Assoc	Mizak, Jason/ Hamm, James	Hamm v. Allstate Insurance Co. et al	09 703088
6/11/2010	X		Cuyahoga Co., Seaman and Garson	Brown, Geoff/ McCartney, David	Estate of Misha McCartney v. Joseph Durkalski, D.O	
6/3/2010		X	Cuyahoga Co., Judge Burnside	Carlozzi, Joyce/ Austin, Harvey		
6/1/2010	X		Cuyahoga Co., Burke Rosen & Assoc	Mesier, Jonathan/ Organ, James	Geraldine Organ v. Associates in Cardiology	662574
5/29/2010	X		Cuyahoga Co. 2916 Fairmount Blvd, 44118	Leizerman, Michael/ Cramblit, Harold	George Wertz, etc. v. Bureau Workers' Compensation	10 CV 0020
5/28/2010		X	Hamilton Co., Judge Kubicki	French, Mark/ Murphy, Andrew John		
5/27/2010	X		Cuyahoga Co., Burke Rosen & Assoc	Pantages, Pam/Nitzsche, Dylan	Nitzsche v. Katz	A0710499
5/26/2010	X		Cuyahoga Co., Burke Rosen & Assoc	Riddle, Kevin/ Jago, Michael		
5/26/2010		X	Cuyahoga Co., Judge Sutula	Williams-Young, Marc/ Tucker, Jeffrey	Tucker v. Brambles Equipment Service	5799.01
5/26/2010		X		Thomas, Stephen/ Wolf, Gregory	Greg Wolf v. Interstate Wrecker Service	CV 09 697658



Dr. Burke  
Depo's and Test's

Date	Depo	Test	Location/Judge	Our File	Caption	Case Number
5/24/2010	X		Cuyahoga Co., Nurenberg Paris	Mester, Jonathan/ Organ, James	Geraldine Organ v. Associates in Cardiology	662574
5/17/2010	X		Cuyahoga Co., Burke Rosen & Assoc	DeSantis, Vicki/ Scott, Roger		
5/13/2010		X	Medina Co., Judge Collier	Jones, Ray/ Napier, Jack		
5/11/2010	X		Zashin & Rich Co., LPA, Cuyahoga Co.	Haber, Richard/Siegel, Susan	Susan Siegel v. Inverness Medical Innovations, Inc.	1:09-CV-1791
5/7/2010		X	Hartford Co., Magistrate Thomas Smith	Kantor, Steven/Flanagan, Vicki		
4/30/2010		X	Cuyahoga Co., Judge Sutula	Petersen, Susan/ Edge, Emley	Emley Edge v. Fairview Hospital	08 670975
4/28/2010	X		Lawfirm of Robert Fedor, Cuyahoga Co.	Fedor, Robert/ Jennings, Terry		
4/19/2010	X		Burke Rosen & Associates	Partages, Pam/Nitzsche, Dylan	Dylan Nitzsche v. Michael Katz	A0710499
4/16/2010	X		Burke Rosen & Associates	Chandra, Subodh/ Awad, Rami	Rami Awad v. National City Bank, PNC	1:09-CV-0261
4/9/2010		X	Mahoning Co., Judge Krichbaum	McLaughlin, Patrick/ Saunders, Patrick	Patrick Saunders v. Stanley Paris DO	05-CV-3117
3/24/2010		X	Montgomery Co., Judge Wolf	Mester, Thomas/ Murphy, Dennis		
3/23/2010	X		Voyts, Sater, Seymour & Pease, Cuyahoga Co	O'Malley, Tony/ National City Bank		
3/19/2010		X	Summit Co., Judge Parker	Desantis, Vicki/ Hyatt, Kevin	Kevin Hyatt, et al vs. Summa Health Care	
3/12/2010		X	Lucas Co. Common Pleas, Judge Jennings	Leizerman, Michael/ Kujawa, Jaime		
3/11/2010		X	Cuyahoga Co. Fed Court, Judge Nugent	Hardin-Levine, Peter/ Thirion, Charlene	Charlene Thirion v. City of Bedford Hts	1:08-cv-03004
2/19/2010	X		for trial/ Burke Rosen & Assoc. Cuyahoga Co	Okey, Steven/ Davis, Barbara	Davis v. Wooster Orthopaedics & Sportsmedicine	CV 2007-08-5379
2/18/2010		X	Crown Plaza, Cuyahoga Co	Sivinski, John/ RTA	**** Fact Finding Mediation	
2/17/2010		X	Detroit, MI Federal Court, Judge Ziolkowski	Kramer, David/ Rye, Joseph Gerald	Rye, et al v. Kia Motors, et al	07-701204 NP
2/16/2010		X	Burke Rosen and Assoc., Cuyahoga co.	Weiser, Rachel/ Grindstaff, Lucinda		
2/15/2010	X		Nurenberg Paris Heller & McCarthy	Mester, Thomas/ Murphy, Dennis		
1/25/2010	X		Burke Rosen and Assoc., Cuyahoga co.	Rinehardt, John/ Hoffman, Deborah		
1/8/2010		X	Lorain County, Judge Belleski	Rosenbaum, Jonathan/ Cargavic, Patricia	Patricia Cargavic vs. Elyria Memorial Hospital	07-CV-151116
12/23/2009	X		Nurenberg Paris, Cuyahoga Co.	Rosenbaum, Jonathan/ Cargavic, Patricia	Patricia Cargavic vs. Elyria Memorial Hospital	07-CV-151116
12/11/2009	X		Cuyahoga Co Common Pleas, Judge McMon	Demsey, Richard/ Lynam, Michael	Michael Lynam, et al v. Andrew Jimerson, M. D. et al	CV 06 580843
12/9/2009		X	Cuyahoga Co Common Pleas, Judge Homola	Henry, Phil/ Morinec, Allen	Morinec vs. Morinec	DR 07 318827
12/3/2009	X		Nurenberg Paris Heller and McCarthy	Paris, David/ Strittmatter, Judith		
11/13/2009	X		Mehler & Hagestrom, Cuyahoga Co	Reid, Timm/ Shockome		
11/3/2009	X		Burke Rosen and Associates, Cuyahoga Co	Schneller, Gerald/ Daubs, John	John Daubs vs. CSX Transportation	
10/27/2009	X		Spangenberg Shibley & Liber, Cuyahoga Co	Lansdowne, Dennis/ Cuningham, Roland		
10/23/2009	X		Cuyahoga Common Pleas, Judge Russo	Selby, Richard/ Susel, Antonia	Antonia Susel v. Dix & Eaton Incorporaion	CV 07 642056
10/22/2009	X		Burke Rosen and Associates	Schneller, Gerald/ Daubs, John	John Daubs vs. CSX Transportation	
10/19/2009	X		Nurenberg Paris, Cuyahoga Co.	Mester, Jonathan/ Nohra, Zoraida		
10/16/2009	X		Reminger and Reminger, Cuyahoga Co	McCarthy, Ellen/ Woolf, Floyd	Floyd Woolf et al. V. Matthew Grant Morris, M. D. et al	641458
10/13/2009	X		Thompson Hine, Cuyahoga Co.	Thorman, Chris/ Cibik, Bradley	Bradley Cibik v. Kmart Corp, et al	08 CV 680015
10/9/2009	X		Mehler & Hagestrom, Cuyahoga Co	Mertz, Michael/ Eubanks, Asia	Dudley for Eubanks v. County of Cook	MTM/03-51
10/8/2009		X	Montgomery Co., Judge Tucker	Kelley, James/ Clawson, Sally		
10/1/2009		X	Hamilton County, Judge DeWine	Mester, Jonathan/ Rinner, Nicholas		
9/30/2009	X		Burke Rosen and Associates	Crandall, Steve/ Miktuk, David		
9/15/2009		X	Mehler & Hagestrom, Cuyahoga Co	Zalimeni, Gail/ Hill, Kyle	Hill v. St. Onge, et al	2:06 CV 329
9/10/2009	X		Cuyahoga Co., Mehler and Hagestrom	Rabold, Steve/ Tomshack, Michael		
9/9/2009	X		Kelley and Ferraro, Cuyahoga Co.	Burley, Daniel/ Wojtasik, Shawn	Wojtasik v. University MedNet Urgent Care Center	CV 08 670796
9/8/2009	X		Nurenberg Paris, Cuyahoga Co.	Mester, Thomas/ Rinner, Nicholas		

Dr. Burke  
Depo's and Test's

Date	Depo	Test	Location/Judge	Our File	Caption	Case Number
9/3/2009	X		Porter Wright, Cuyahoga Co.	Petrov, Dan/ Barbo, Chris	Chris Barbo v. Bacardi USA, Inc	CV-08-650339
9/2/2009		X	Summit County, Judge Rowlands	Grubb, Natalie/ Hudson, Sally		
8/28/2009	X		Burke Rosen and Associates	Pantages, Pam/ Harper, Hanna	Hanna Harper, et al vs. Kristi Ann Johnson, M.D., et al	07-CV-150478
8/26/2009	X		Burke Rosen and Associates	Rinehardt, Laura/ Thompson, Scott	Estate of Scott Thompson v. Club Car Inc et al	2005-CV-1188 H
8/24/2009	X		Kelley and Ferraro, Cuyahoga Co.	Burley, Daniel/ Wojtasik, Shawn		
8/12/2009	X		Burke Rosen and Associates	Perez, Richard/ Scholz, George	Peter Scholz, exc. Of Estate of George Scholz v. Lake Hos	07 CV 001177
8/7/2009	X		Burke Rosen and Associates	Riddle, Kevin/ Townsend, Jacob	Townsend v. Sears, Roebuck & Co.	03 L 3520
8/6/2009	X		Porter Wright, Cleveland	Ahern, Ann Marie/ Frick, David		
8/4/2009	X		Thompson Hine	Reinstein, Laura/ Lyons, Alan	Larry Sliffe, Ex. Of Lyons v. Garmin International, Incd	5:07 CV 3402
7/15/2009		X	Hamilton County, Judge Crouse	Mester, Jonathan/ Arvizu, Gabrielle	Arvizu v. Bethesda North Hospital	A0604352
6/23/2009		X	Western District of P.A.	Regan, Christopher/ Holbrook, Ronald	Holbrook, et al. v. Woodham, et al	3:05CV304
6/16/2009		X	Atway & Cochran (Video) Trumbull Co	Cochran, Scott/ Brown, Jeremy	Jeremy Brown et al v. David Delliquadri, D.O. et al	05 CV 1397
6/11/2009	X		Reminger	Jones, Ray/ Napier, Jack		07 CIV 1219
6/8/2009	X		Burke Rosen and Associates	Hart, Patrick/ Brown, Timothy J.		CV- 2007-11-8031
5/28/2009	X		Weisman Kennedy & Berris Co.	Berris, Richard/ Hrynik-Leonor, Stephanie		
5/27/2009	X		Renillo Court Reporting	Brule, Tom/ Dunkin Donuts		
5/22/2009		X	Cuyahoga, Judge Gallagher	Linton, Robert/ Santiago, Alyssa		
5/21/2009		X	Columbus, Judge Reece	Mester, Jonathan/ Peterson, Kelly Jo		
5/21/2009	X		Davis and Young	Grubb, Natalie/ Maier, Robert		
4/27/2009	X		Burke Rosen and Associates	Perkins, Jeff/ Boland, Brian		
4/27/2009	X		Burke Rosen and Associates	Marmarous, Peter/ Stockman, Tab		
4/22/2009		X	Franklin County, Judge Sheeran	Chamberlain, Hank/ Jeffrey, Amanda	Amanda Jeffrey vs Marietta Memorial Hospital	
4/21/2009		X	Middlefield	Petrov, Dan/ Rodriguez, Martin		
4/16/2009		X	Montgomery County, Dayton	Davis, Bill/ Schutte, Cheryl		
4/15/2009		X	Cuyahoga	Golins, Fran/ Young, Thomas E.	Schutte vs. Mooney, M. D et al	03 cv 00477
4/9/2009	X		Amer Cunningham	DeSantis, Vicki/ Emerick, Berniece	Robert Vickers vs. Thomas E. Young	cv-08-663668
4/6/2009	X		Burke Rosen and Associates	Smith, Robin/ Kinser, Camryn		
4/1/2009		X	Wayne County	Amaddio, Mark/ Wirt, Orra	Estate of Orra D. Wirt	not filed
3/31/2009		X	Lucas County, Judge Jennings	Caruso, James/ Green, Joseph		
3/23/2009		X	Syracuse, NY	Kantor, Steve/ Gibson, Willis		
3/16/2009		X	BMA Media, Willoughby	Misney, Timothy/ Alleman, Ronald		
3/16/2009	X		Nuremberg Paris	Jacobson, William/ Ciulla, Michael		
3/10/2009	X		Burke Rosen and Associates	Inscore, Michael/ Knapp, Michael		
3/9/2009	X		Weisman Kennedy & Berris Co.	Weisman, Mitchell/ Kazmir, Jerry		
3/4/2009		X	Cuyahoga County, Judge Shehan	Pla, George/ Sabitova, Elena		
3/3/2009	X		Burke Rosen and Associates	Judge, Beth/ Tussing, Andrew	Edouard Sabitove et al vs. Stuart J. Granes et al	cv-04-526988
3/2/2009	X		Burke Rosen and Associates	Linton, Robert/ Santiago, Alyssa		
2/16/2009	X		Burke Rosen and Associates	Leonhardt, Ronald/ Klopfenstein, John		
2/11/2009	X		Wullger, Fadel and Beyer	Golins, Fran/ Young, Thomas E.		
2/4/2009		X	Bucyrus, Judge Marcus	Shimko, Tim/ Angelini, John		
2/2/2009	X		Burke Rosen and Associates	Mordarski, Daniel/ Ross, Charles	1st Federal Bank of Ohio vs. John Angelini	03 cv 0098
1/16/2009		X	Cuyahoga, Judge McMonagle	Byron, Evan/ Esner, Mary	Mary Esner Et Al vs Nicholas M. Paluch et al	CV-08-650869

Dr. Burke  
Depo's and Test's

<u>Date</u>	<u>Depo</u>	<u>Test</u>	<u>Location/Judge</u>	<u>Our File</u>	<u>Caption</u>	<u>Case Number</u>
1/16/2009	X		1340 Somner Ave Hamilton County	Goins, Fran/ Young, Thomas E.		
1/15/2009		X		Grandall, Steve/ Taylor, Kenneth		
1/8/2009		X	Cuyahoga county, Judge Corrigan	Shimko, Timothy/ General Bag	5th/3rd Bank vs. General Bag	cv-04-547229
12/30/2008	X		Burke Rosen and Associates	Oake, Steven/ Davis, Barbara E.		
12/18/2008		X	Cuyahoga County, Judge Nugent	Daniel, Pisani/ Cohara, Joseph	Joseph Cohara vs. CSX Transportation	1:07-cv 2447
12/12/2008		X	Summit County, Judge Burnham	Hirshman, Toby/ Joyner, Michael	Michael Joyner vs. Normand Lefkowitz	CV 2007 02 1573
12/8/2008	X		telephone	Albrecht, Hugh/ Strong, Loren		
11/19/2008		X	Summit County, Judge Gallagher	Madden, Justin/ Almeida, Michael	Denise Almeida, Executrix vs. Akron General	2007-02-1354
11/17/2008		X	Trumbull County, Judge McKay	Matthews, Laurel, Monroe, Charles	Charles Monroe vs. Mona A. Youssef, M. D.	07 cv 2107
11/17/2008		X	Lorain County, Judge Cross	Becker, Michael/ Foster, Mary		
9/19/2009		X		Perse, Jessica/ Guy, Gregory	Gayle Guy etx vs. Jon Rainey M. D.	cv-05-580348

Dr. Rosen  
Depos Testimony

Date	Depc Test	Our File	Caption	Case Number	Location/Judge
10/26/2012	X	Manley, Giles/Price, Amber			Cuyahoga Co., Mehler Hagestrom
10/22/2012	X	Manley, Giles/Emamere, Stephany	Stephany Emamere, et al. v. Northwest Hospital, et al.		Cuyahoga Co., Mehler Hagestrom
10/18/2012	X	Abaray, Janet/Nancy Barone Kremer			Burlington KY-Boone County KY McGinness
9/14/2012	X	Beirne, Patrick/Tamblyn, Nancy			Hamilton Co. Testimony Stipulated
8/30/2012	X	Cheek, Michelle/Smith, Jordan			Cuyahoga Co., Burke Rosen & Associates
8/30/2012	X	Stoll, Brad/Young, Michael W.			Cuyahoga Co., Burke Rosen & Associates
8/24/2012	X	Gurney, Todd/Frederick, Bradley			Cuyahoga Co.
8/3/2012	X	Shafon, Steven/Annex Books Inc.			Cuyahoga Co.
7/25/2012	X	Wills, Nathan/Len-Ran			Ravenna, OH
6/20/2012	X	McClellan, Frank/Shareef, Abdul-Haleem			Newark New Jersey, County Court
6/15/2012	X	Markham, Craig/ Ferrante, Dylan			Erie, PA
6/13/2012	X	Squire, Percy/ Phillips, Keith			Marion Correctional Institute
5/24/2012	X	Gurney, Todd/ Presson, Kimberly			Cuyahoga County
4/19/2012	X	Stegle, Richard/Linetsky, Sofya	Linetsky v. Women's Diagnostic Cntr. of Cleveland Hts.		Cuyahoga Co., Judge Ambrose
3/14/2012	X	Leikin, Jeffrey/Kirby, Kenneth			Cuyahoga Co., Judge Donnelly
3/6/2012	X	Leikin, Jeffrey/Kirby, Kenneth			Nureberg Paris Heller & McCarthy
3/1/2012	X	Gurney, Todd/Frederick, Bradley			Burke Rosen & Associates
2/29/2012	X	Thompson, Kevin/Hagy			Burke Rosen and Associates via Phone Conference
2/13/2012	X	Gallucci, Anthony/Klier, Thomas			Cuyahoga Co., Kelley & Ferraro
2/7/2012	X	Polk, Shannon/Conception, Jeffrey	Jeffrey Conception v. Lincoln National Corporation	08-04833	Cuyahoga Co., OH
12/2/2011	X	Igoe, Dan/McLaren, Garrett			Franklin Co., OH
10/31/2011	X	Shapiro, Samuel/Riggs, George Thomas			Rockville, MD
10/4/2011	X	Browne, Justin/Kloss, David			Cuyahoga Co., Burke Rosen & Associates
9/15/2011	X	French, Richard/Monroe, Michael	Michael A. Monroe, et al v. Vanessa J. Lambert, et al	CV-09-709951	Cuyahoga Co., Judge McClelland
8/20/2011	X	Kabat, Andrew/Harris, Russell	Russell Harris v. Ganley Management Co., et al.	CV-10-736109	Cuyahoga Co., Buckley King
7/22/2011	X	Cavanaugh, Ryan/ Gibboney, Shirley	Cleveland Synergy Foundation v. Federation of Gay Games	CV10735877	Cuyahoga Co., Kelley and Ferraro
7/21/2011	X	Ray, Frank/ Engel Machinery			Cuyahoga Co., Law Office of Susan Gray
7/20/2011	X	Garner, Bill/ Crouch, Larry	Crouch, et al., v. Honeywell		Mobile, Alabama
7/18/2011	X	Lakin, Brad/ Linert, Ross	Ross Linert, et al., v. Ford Motor Company, et al.	08CV03554	Mahoning, Co., Judge Curran
7/11/2011	X	Cavanaugh, Ryan/ Gibboney, Shirley	Cleveland Synergy Foundation v. Federation of Gay Games	CV10735877	Cuyahoga Co., Kelley and Ferraro
6/24/2011	X	Kabat, Andrew/ Cleveland Synergy Foundation			Cuyahoga Co., Thompson Hine
6/23/2011	X	Kral, Donald/ Chaney, Doyle	Doyle Chaney, et al., v. Lima Memorial Hospital	CV20090886	Cuyahoga Co., Burke Rosen & Associates
6/15/2011	X	Hendy, Penny/ Hunter, Joseph			Cuyahoga Co., Burke Rosen & Associates
5/26/2011	X	Lakin, Bradley/ Brentlar, George			Cuyahoga Co., Burke Rosen & Associates
5/24/2011	X	Holtrey, Travis/ Borboa, Lisa			Cuyahoga Co., Cady Court Reporting
5/12/2011	X	Lyons, Joseph/ Cummins, Terri	Sue Cummins, et al v. Thomas Broderick, M.D.	2007 CVA 163	Hamilton Co., Judge Walker



Dr. Rosen  
Depos Testimony

5/10/2011	X	Thompson, Kevin/ Rawl				Cuyahoga Co.
5/3/2011	X	Steinberg, Robert/ Al-Khadra, Eman	Eman Al-Khadra, M.D. v. Cincinnati Children's Hospital	A0909199		Hamilton Co., Judge Ruhlman
4/13/2011	X	Longo, Charles/ Touhey, Jennifer				Cuyahoga Co., Burke Rosen & Associates
4/11/2011	X	Longo, Charles/ Meadows, Jason				Cuyahoga Co., Burke Rosen & Associates
3/28/2011	X	Butler, David/ Coe Photographic Inc.	Coe Photographic Inc v. Cheryl & Co.	2:09-cv-401		Cuyahoga Co., Vorys Sater
3/21/2011	X	Garner, William/ Mehta, Anish				Cuyahoga Co., Burke Rosen & Associates
3/16/2011	X	Kelley, James/ Cross, Lindsey	Lindsey A. Cross vs. Warren Cooper M.D.	05-PT-182		Washington Co., Judge Boyer
3/8/2011	X	Grisi, Charles/ Fern, Megan				Summit Co., GRISI & RIEGLER
2/23/2011	X	Rinkes, Jennifer/ Afnaan, Kevin				Cuyahoga County
2/18/2011	X	Lucarelli, Robert/ Fox, L.D.	L.D. Fox vs. Ferrous Processes and Trading Company	CV-10-722482		Cuyahoga Co., Burke Rosen & Associates
2/16/2011	X	Kelley, James/ Thomas, Allen				Cuyahoga Co., Elk and Elk
2/9/2011	X	Kelley, James/ Cross, Lindsey				Cuyahoga Co., Elk and Elk
2/1/2011	X	Corr, Jack/ Westgate Ford	Westgate Ford Truck Sales v. Ford Motor Company	CV 02 483526		Cuyahoga Co., Judge Corrigan
1/20/2011	X	Igoe, Daniel/ McLaren, Garrett				Cuyahoga Co., Burke Rosen & Associates
1/19/2011	X	Rosenthal, James/ Franklin Management				Cuyahoga Co.,
1/10/2011	X	Settlement	Donald A. Frederick vs. Range Resources	08-288E		Judge McLaughlin
12/20/2010	X	Corr, Jack/ Westgate Ford	West Gate Ford Truck v. Ford Motor Company	CV 02 483526		Cuyahoga Co., Judge Corrigan
12/17/2010	X	Miller, Brian/ Hatch, Lowell	Lowell Hatch v. State Farm Mutual	09-cvc-06-0848		Cuyahoga Co., Burke Rosen & Associates
12/6/2010	X	Lambert, Wes/ Clear Cast Group (Ritrama)	Clear Cast Group, Inc. vs. Ritrama	1:09 CV 0169		Cuyahoga Co., Frantz Ward
12/2/2010	X	Steffey/Brandon/ Street, Richard	Richard Street v. Lincoln Electric Company	2:06-cv-17026		Cuyahoga Co., Climaco, Wilcox, Peca, Tarantino & Garofoli Co., LPA
12/2/2010	X	Kelley, James/ Gaymon, Cheryl	Marc Gaymon et al v. Good Samaritan Hospital	2009 CV 9163		Cuyahoga Co., Burke Rosen & Associates
12/1/2010	X	Rosenthal, James/ Franklin Management	Franklin Management Enterprises v. International Securities LTD.	115 00574 09		Cuyahoga Co., Burke Rosen & Associates
11/30/2010	X	Gustafson, Jill/ McClure, Colin	Susan McClure et al v. Good Samaritan Hospital	11902		Cuyahoga Co., Burke Rosen & Associates
11/3/2010	X	Lakin, Bradley/ Linert, Ross				Cuyahoga Co., Burke Rosen & Associates
11/2/2010	X	Shapiro, Samuel/ Riggs, George Thomas				Washington, D.C
10/26/2010	X	Reino, Andrea/ Mosser, Scott				Via phone
10/20/2010	X	Mirkin, Ira/ McBroom, Patricia	McBroom vs. Barnes & Noble Booksellers	4:2009-CV-2417		Cuyahoga Co., Burke Rosen & Associates
10/18/2010	X	Goodman, Alan/ Peck, Carol	Carol Peck v. Elyria Foundry Co	05-CV0695		Cuyahoga Co., Burke Rosen & Associates
10/8/2010	X	Fisher, Ed/ Clinger, James	Clinger vs. Welding Fumes	1:04-CV-17118		Cuyahoga Co., Judge Nugent
10/6/2010	X	Combs, Ruley Ann/ Dirr, Norbert	Norbert Dirr vs. The Christ Hospital	A0806766		Via telephone
9/20/2010	X	Gustafson, Jill/ Smith	Kyle Jacob Smith, et al vs. Gary Huber, D.O et al Center	2008- CVA- 00499		Clairmont Co
9/10/2010	X	Steinberg, Robert/ Al-Khadra, Eman		A 0909199		Cuyahoga Co., Burke Rosen & Associates
8/31/2010	X	Corr, Jack/ West Gate Ford	West Gate Ford Truck v. Ford Motor Company	CV 02 483526		Cuyahoga Co., Baker Hosteller
8/30/2010	X	Coffey, Shirley/ McKeown, Matthew				Cuyahoga Co., Burke Rosen & Associates
8/16/2010	X	Fisher, Ed/ Clinger, James	Clinger vs. Welding Fumes	1:04-CV-17118		1:04-CV-17118
8/13/2010	X	Haber, Richard/ Vislosky, Kathleen				Cuyahoga Co., Judge Sutula
8/9/2010	X	Roselle, Louise/ Elliott, Shelly	Elliott v. United States Postal Service	09-026-WOB		Hamilton County,



[illegible]

Dr. Rosen  
Depos Testimony

8/26/2009	X	Horrigan, Dean/ Turner, Steve					
8/24/2009	X	Thompson, Andrew/ Weick, Keith		Keith Weick v. Wheelin and Lake Erie Railway Company	93615-115590	Burke Rosen & Associates	
8/12/2009	X	Goldwasser, Andrew/ Cooley, Curt		Curtis Cooley v. Lincoln Electric	1:05-17734	Ciano & Goldwasser, Cuyahoga Co.	
7/29/2009	X	Brown, Jennifer/ Lynch, Donald				Via Phone	
7/23/2009	X	Horrigan, Dean/ Turner, Steve				Burke Rosen & Associates	
7/20/2009	X	Pomerantz, David/ Polk, Tommie		Tommie B. Polk, et al., vs. South Pointe Hospital	CV 07 639400	Burke Rosen & Associates	
6/30/2009	X	Desjardins, Douglas/ Jones, Christopher				Burke Rosen & Associates	
6/23/2009	X	Lawrence, Jennifer/ Stanziano, Leondo		Renetha Stanziano, et al vs. Miami Valley Hospital	2003-CV-01873	Dayton, Judge O'Connell	
6/12/2009	X	Ian		Paul and Allison Svindland vs Nemours Foundation	05 CV 00417	Philidelphia, PA Eastern District of PA	
5/26/2009	X	Jowers, Jerry/ Rosas, Riley				Mehler & Hagestrom	
5/15/2009		Coury, John/ Pirolozzi				Cleveland	
5/5/2009	X	Pla, Jorge/ Ramadan, Suhail				Cleveland, Judge Friedman	
4/10/2009	X	McCarthy, Justin/ Len-Ran				Burke Rosen & Associates	
4/2/2009	X	Carlin, William/ Wolfe, Joseph				Cuyahoga, Judge Saffold	
3/23/2009	X	Eisen, Brian/ Barnish, Elizabeth				Franklin County	
3/20/2009		Rabourn, Arthur/ McCarthy, Patrick				Hamilton County	
3/12/2009	X	Kabat, Andrew/ Kuderna, Dawn		Dawn Kuderna v. SBC Ameritech	CV 07 642937	Cuyahoga County	
3/2/2009	X	Coury, John/ Piolozi				Burke Rosen & Associates	
2/26/2009	X	Lyons, Joe/ Cummins, Terri				Burke Rosen & Associates	
2/6/2009	X	Hill, John/ Wazevich, William		Patricia Wazevich, etc. v. James Tasse, et al	CV 05 573521	Cuyahoga County	
2/4/2009	X	Lay, James/ Glassman, Brenda		Medical Center, etc	2004-30745M	Crawford County	
1/27/2009	X	Beirne, Patrick/ Puckett, Conner				Via: phone	
1/22/2009	X	Rabourn, Arthur/ McCarthy, Patrick				Hamilton County	
1/15/2009	X	Sweeney, Robert/ Konstantinou, Panelis				Burke Rosen & Associates	
1/8/2009	X	Eisen, Brian/ Barnish, Elizabeth					
12/11/2008	X	Vasvari, Raymond/ T. Weston					
12/10/2008	X	Conner, Andrew/ Mckenzie, Scott				Berkman Gordon	
12/2/2008	X	Thompson, Kevin/ RAWL				Erie, Judge Anthony	
						Burke Rosen & Associates	

## CURRICULUM VITAE

January 2010

John F. Burke, Jr., Ph.D.

Business Address: BURKE, ROSEN & ASSOCIATES  
2800 Euclid Avenue, Suite 300  
Cleveland, Ohio 44115

Business Phone: (216) 566-9300

Personal Data: Born: March 25, 1937; Bath, Maine  
Married; Ten Children  
Veteran - U.S. Navy, HM3

Academic Training:

<u>Degree</u>	<u>Institution</u>	<u>Major</u>	<u>Minor</u>	<u>Year</u>
Ph.D.	University of Notre Dame	Economics	Int'l. Economics	1967
M.A.	University of Notre Dame	Economics	Statistics	1963
B.S.	Boston College	Economics	Business	1961

Academic Experience:

1999-Present	John Carroll University	Adjunct Professor
1994	Cleveland State University	Associate Professor Emeritus
1970-1994	Cleveland State University	Associate Professor
1967-1969	Cleveland State University	Assistant Professor
1965-1967	Eastern Illinois University	Assistant Professor
1963-1965	Indiana University	Instructor
1963-1965	University of Notre Dame	Teaching Assistant

Special Assignments and Awards:

Appointed by Chief Justice (O.S.C.) T. Moyer as member of Ohio Family Judicial Family Network  
(1999 to 2007) Chairman 2001-2002  
Invited lecturer at numerous C.L.E. meetings in Ohio  
Mentioned in various "Who's Who's"  
Burke, Rosen & Associates has had numerous court appointments including the Eagle Pitcher Bankruptcy  
Invited Lecturer, University of Ljubljana, Provinces of Slovenia, Ljubljana, Yugoslavia (1989).  
Host: CSU Forum, Bronze Medal Winner in National Competition, (1989).  
Economic Advisor to the Attorney General, of the State of Ohio (1983 - 1985).  
Staff Economist for WKYC Television and NBC, Cleveland, Ohio (1981 - 1984).  
Host of Radio Talk Show, WERE Radio, 1300 AM (1983 - 1984).  
Commencement Address at Cuyahoga Community College (1982).  
Member of College Entrance Examination Board: Committee on Need Assessment Procedures (1978 - 1981).  
Faculty Representative to the Ohio Board of Regents (1972 - 1979).  
Elected Member of the Cleveland Heights-University Heights School Board (1973 - 1974).  
New Frontier Award (1973)

Membership in Professional Organizations:

- American Association of University Professors
- American Economic Association
- American Statistical Association
- Association for Social Economics
- National Association of Business Economists
- Atlantic Economic Association
- Eastern Economic Association
- Mid-West Economic Association
- National Tax Association
- National Academy of Economic Arbitrators

Articles:

- 2010 Brown, R, ed., *Valuing Professional Practices & Licenses: A Guide for the Matrimonial Practitioner*, 3<sup>rd</sup> ed. (Aspen Publishers 1998-2010), Ch. 31, John F. Burke, Jr., Ph.D and Harvey S. Rosen, Ph. D., "Valuing Educational Attainment as an Educational Asset."
- 1993 "Valuing Educational Attainment as a Distributable Asset, " Valuing Professional Practices and Licenses: A Guide For The Matrimonial Practitioner, Edited by Ronald L. Brown, Copyright 1993, Prentice Hall Law & Business, co-authored.
- 1991 Co-editor Handbook of Financial Planning for Divorce and Separation, 1992 Supplement, Ed. John Wiley & Sons, Inc., New York, NY, with H.S.R.
- "Uniform Child Support Guidelines", Financial Planning for Divorce and Separation, Crumbley Apostolov, Ed., second edition.
- 1990 Reprinted, February 1990, "The Value of a Professional License" Family Advocate, American Bar Association, Summer, 1984, Vol.7, No. 1, with HSR for use by the Indiana Judicial Center for distribution and application in a seminar to assist in explaining the valuation of interests in closely-held corporations.
- "Economic Models of Valuation in Divorce Proceedings,"Financial Planning for Divorce and Separation, Crumbley Apostolov, Ed. John Wiley & Sons, Inc., with H.S.R.
- 1987 "Using an Economist in Evaluating Claims," Settling Personal Injury Insurance Claims in Ohio, Professional Education Systems, Inc., 1987, with H.S.R.
- "Valuing Educational Attainment as a Distributable Asset,"  
Expert Valuation of Professions: The Value of Law and Medical Degrees and Licenses Upon Divorce, Edited by Ronald L. Brown, Copyright 1987, Prentice Hall Law & Business, with H.S.R.
- 1986 "Settling Personal Injury Insurance Claims in Michigan,"  
Professional Education Systems, Inc. November 5, 1986, with H.S.R.
- "Forecasting Enhanced Educational Attainment," FairShare Law and Business, Inc., Harcourt and Brace, Vol. 6, May, 1986, with H.S.R.
- 1985 "Economic Value of a Professional License," Reprinted in Contemporary Matrimonial Law Issues: A Guide to Divorce Economics and Practice, Edited by Foster & Brown, Law & Business, Harcourt, Brace & Jovanovich, New York, 1985, with H.S.R.

"Basic Approach to Valuing Closely Held Corporations," Edited by Foster & Brown, Law & Business, Inc., Harcourt, Brace and Jovanovich, New York, 1985, with H.S.R.

Articles: (continued)

- 1984 "Consumption & Family Size," Proceedings of the Industrial Relations Research Association, Spring, 1984. co-authored with H.S.R.
- 1983 "The Value of a Professional License," Family Advocate, American Bar Association, Summer, 1984, Vol. 7, No.1, with H.S.R.
- 1983 "Taxes and Compensation for Lost Earnings - A Comment," The Journal of Legal Studies, Vol. 12, No. 1, January, 1983, with H.S.R.
- 1983 "ABC's of Valuing Closely Held Corporations," Fair\$hare, Vol. 3, No. 1, January, 1983, with H.S.R.
- 1982 Edward M. and Fredric A. Swartz, Handbook of Personal Injury Forms and Litigation Materials, "Economist Report on Replacement Cost," (Rochester, New York: The Lawyers Co-Operative Publishing Company, 1982).
- "Economic Value of a Professional License," Fair\$hare, Vol. 2, No. 6, June, 1982, with H.S.R.
- 1981 Modern Trials Video Production: A series of Educational Video Tapes for attorneys, with Melvin Belli, et. al., Produced by Thomas Murray, Copyright: 1982.
- 1976 "Local Government Revenue and Expenditures: A Case Study of Cleveland, 1976," The Law and Economics of Municipal Finance, Selected Readings, Ed. U.S. Crockett Jr., 1976.
- "The Economist's Role in Demonstrating Damages," Recent Developments in the Law of Damages, The Law Society of Upper Canada, Osgood Hall, Toronto, Canada, 1976.
- 1974 "Local Government Revenue and Expenditures: A Case Study of the City of Cleveland 1961-1971," National League of Cities, October, 1974, co-authored with E.A. Weld.
- 1971 The Financing of Higher Education by the State of Ohio 1955 - 1969. Prepared for the Ohio Education Conference Committee, Columbus, Ohio. co-authored with E.A. Weld.
- 1970 "Ohio Tax Manual," Ohio State University, Labor Education and Research Center. co-authored with E.A. Weld.
- 1969 "Eliciting Expert Opinion Evidence: Transcript Testimony of Economist," OHIO LEGAL CENTER INSTITUTE, by Donald P. Traci, J.D., Summer, 1969.

Testimony Prepared for Legislative Bodies:

Ohio State Senate Hearings on Ohio Insurance Crisis Tort Reform - Invited Testimony, April 9, 1987; April 22, 1987; May 14, 1987.

Ohio State Senate Hearings on Ohio Insurance Crisis Tort Reform - Invited Testimony, March 19, 1986.

Testimony Prepared for Legislative Bodies (continued):

Congressional Hearings: Committee on Energy and Commerce, 98th Congress 2nd Session on HR 3400, Serial No. 98-115: Acid Rain Control. February 17, 1984.

Cleveland City Council: Hearing on the UDAG Grant on the Bar Mill Project, "Economic Impact on Cleveland," 1983.

Congressional Hearing: Cleveland Area Congressmen, "Impact of the Reagan Budget," 1981.

Many appearances before the Ohio State Legislature on matters dealing with taxation, school finance, the environment and the balanced budget amendment.

Presented Papers:

1990 Ohio Personal Injury Damages Seminar, "Working With an Economist" prepared for Professional Education Systems, Inc., April 1990.

"Measuring Economic Damages in Wrongful Employment Discharge Cases" for Plaintiff Employment Lawyer's Association, October 25, 1990.

1989 Continuing Legal Education Seminars for county Bar Associations on various topics: "Economics of Business Evaluations," "The Use of Statistics in Discrimination Cases," and "The Economics of Forecasting Income."

1987 "Purchasing Power of Ohio Judges," Prepared for the... Select Committee... at the request of Ohio Judges. February 27, 1987, with H.S.R.

"Evaluation of a Business," Ohio Association of Trial Lawyers, February 20, 1987, Columbus, Ohio, with James Wilsman and H.S.R.

Federal Trial Practice Seminar prepared at the request of Federal Judge Manos, September 11, 1987, Cleveland, Ohio, with H.S.R.

Mock Cross-Examination - Cleveland Area Civil Trial Attorneys Association, September 14, 1987.

1986 "Economic Evidence as a Teaching Tool," American Bar Association: Section of Litigation, Seattle, Washington, October 15-18, 1986, with H.S.R., presented by J.W. McElhaney.

"The Underground Economy," City Club, Cleveland, April 18, 1986.

1985 "Current Legal-Economic Issues in Trial Practice," Ohio Association of Trial Lawyers, October, 1985.

"Trial Practice: the Use of Economic Experts," Ohio Association of Civil Trial Attorneys, April, 1985.

1985 "Consumption Patterns by Size of Family and Income," Eastern Economic Association, Pittsburgh, Pennsylvania, March, 1985, with H.S.R.

Presented Papers: (continued)

- 1984 "More Evidence on Consumption by Family Size," Eastern Economic Association, New York, March, 1984 with H.S.R.
- 1983 "Consumption by Family Size: A Labor Relations Study," presented to the Allied Social Science Association, San Francisco, December, 1983, with H.S.R.  
 "Assessment of Damages by an Expert Economist," Insight, Toronto, Canada, January, 1983.
- 1983 "Preliminary Evidence on Consumption by Family Size," Atlantic Economic Society, Philadelphia, PA., October, 1983, with H.S.R.  
 "A Taxation Algorithm in Personal Injury Awards," Eastern Economic Association, Boston, Massachusetts, March, 1983, with H.S.R.
- 1982 Discussant on "The Offset Method of Calculating Personal Injury Awards," Midwestern Economic Association, Chicago, Illinois, April, 1982, with H.S.R.  
 "Trends in Financial Aid," Indiana Association of Financial Aid Officers, Indianapolis, Indiana.  
 "New Developments in Financial Aid," National Association of Financial Aid Officers, Colorado Springs, Colorado.  
 "Taxation and Personal Injury Awards as a Result of the Liepelt Decision," Eastern Economic Association, Washington, D.C., March, 1982, with H.S.R.
- 1981 "Structured Settlements: Are they Good for Your Client," Cleveland Trial Advocacy Institute Bar Association of Greater Cleveland, January, 1981.
- 1980 "Economic Forecast and the Law," presented to the International Academy of Trial Attorneys, Rio de Janeiro, Brazil, South America, March, 1980.  
 "Financial Aid," Midwest Financial Aid Officers Association, Indianapolis, Indiana, October, 1980.  
 "The Consumer Price Index and Financial Aid," Ohio Financial Aid Officers Meeting, May,
- 1979 "The Examination of an Expert Economist," Ohio Forum of Trial Lawyers, Case Western Reserve Litigation Forum, March, 1979.
- 1978 "Financial Aid Requirements," Massachusetts Association of Financial Aid Officers.
- 1977 "More on Financial Aid," The Midwest Association of Financial Aid Officers, St. Louis, Missouri.  
 "The Home Equity Question in Financial Aid," Annual meeting of The College Entrance Examination Board, San Francisco.



Presented Papers: (continued)

- 1975 "Damage Testimony from an Economist," The Ohio Academy of Trial Lawyers, Columbus, Ohio, April 4, 1975.
- "Litigators, Computer Simulation and The Regulatory Process," (with co-authors) American Bar Association, Section on Litigation, National Institute, New York, New York, February 7, 1975, with H.S.R.
- 1972 "Some Implications for School Financing in Vouchers for Education," American Association of Law Schools Convention, December, 1972, New York, with E.A. Weld.
- 1970 "Economic Evidence," with Craig Spangenberg and George Meisel, American Bar Association Meeting, St. Louis, Missouri.
- 1969 "The Role of the Economist in the Trial of a Personal Injury Case," an invited paper delivered to the American Trial Lawyers Association, Cleveland, Ohio, October, 1969.

Selected Reports:

- 1989 "The Iowa Soy Bean Cooperative Case"
- "Some Financial Aspects of Free Standing Medical Clinics: The Cincinnati Women's Clinic Case"
- "Age Discrimination at GenCorp: A Result of the Goldsmith Takeover Attempt"
- 1988 "The Economics of the Fast Food Industry: The Burger Chef Case"
- "The Retail Merchandise Manner: The Higbee - Horne Anti - Trust Case"
- "The Value of an Auto Franchise: The Case of Jaguar"
- 1987 Report on the Ice Cream, Frozen Novelty Market - The Popsicle Anti-Trust Case," prepared for Michael T. McMenamin, with H.S.R.
- "Report and Analysis of Cleveland Policeman Salaries," prepared for The Cleveland Police Patrolman's Association, with H.S.R.
- 1986 "Report on Age Discrimination at The Martin-Marietta Company, St. Croix, The Virgin Islands," prepared for John Coon, with H.S.R.
- "Economist Report on Anti-Competitive Activities in The Bradford, Pennsylvania Market Place (the newspaper market)," prepared for Andrew Conner with H.S.R.
- "Report on the Earning Capacity of a Manager at Owen-Corning Fiberglass," prepared for Melvin Belli, with H.S.R.
- "The Valuation of Stock in a Closely Held Family Food Chain: the Heinen Case," prepared for James Wilsman, with H.S.R.



Selected Reports: (continued)

- 1984 "Dependents Replacement Service Loss," prepared for: The Attorney General, State of Ohio, with H.S.R.
- "Report on Life-Time Earnings of a Convicted Felon," prepared for: The Court of Claims: State of Ohio, with H.S.R.
- "Report of Sex Discrimination at Proctor and Gamble," prepared for: The Womans Law Fund, with H.S.R.
- "Replacement Cost Services," prepared for: Litigation Division of the District of Columbia, with H.S.R.
- 1984 "Economic Analysis of the Effect of Pollution," prepared for: The City of Akron, Ohio, with H.S.R.
- 1983 "A Simulation Model of State Tax Revenue and Budgetary Position," prepared for: Office of the Governor, State of Ohio, co-authored with H.S. Rosen and E.A. Weld.
- "Report on Economic Effect of Cardiac Catherization," prepared for Prince George's County Hospital, Prince George County, Maryland, with H.S.R.
- "The Economic Impact of a Regional Shopping Mall in Cape Girado, Missouri," prepared for Robert Manley, Cincinnati, Ohio, with H.S.R.
- "Survey of Subscriber Demographics," prepared for: The Republic Steel Corporation, with H.S.R.
- "Employment Survey for Black Males in Dayton, Ohio, SMSA," prepared for: The Cleveland Office of the EEOC, with H.S.R.
- "Employment and Tax Impact of In-state Pharmaceutical Purchases," submitted to: State Teachers Retirement System, with H.S.R.
- 1982 "Report on Sex and Race Discrimination of the Goodyear Corporation," prepared for: The Cleveland Office of the EEOC, with H.S.R.
- "Report on Age Discrimination of the American Motors Corporation," prepared for: The Detroit Office of the EEOC, with H.S.R.
- 1981 "The Effect of Price Fixing in the Food Industry in Cleveland, Ohio - The Pick-N-Pay Case," prepared for: The Ohio Public Interest Campaign, et.al., with H.S.R.
- 1980 "Report of Salaries, Fringe Benefits and Earnings of Ohio Prosecuting Attorneys," prepared for: The Ohio Prosecuting Attorney Association, Columbus, Ohio, with H.S.R.
- "Report on Race Discrimination in Minneapolis, Minnesota: The Humphrey Dome Project," prepared for: The NAACP, with H.S.R.
- "Attitudinal Survey of the Cleveland Clinic Foundation," prepared for: The Cleveland Clinic Foundation, with H.S.R.

Selected Reports: (continued)

- "Report of the City of Dayton, Ohio, on Wages, Fringe Benefits and Working Conditions for City Fire Fighters," prepared for: The City of Dayton, Ohio, with H.S.R.
- 1979 "Report on Wage and Hour Discrimination at the Youngstown Sheet and Tube Company," prepared for: U.S. Department of Labor, with H.S.R.
- "Economic Impact Study of Buffalo Grove, Illinois," submitted to: The Village of Buffalo Grove, Illinois, with H.S.R.
- 1978 "Report on Hiring Practices in the Operating Engineers Union," prepared for: Professor Alan Rubin, Cleveland State University, with H.S.R.
- 1978 "The Capacity of Cleveland Area Business to Support Charitable Contributions," prepared for: The United Torch Agency, with H.S.R.
- "Ascertainment Study: WUAB Television," submitted to: The Federal Communication Commission, with H.S.R.

Selected Cases:

- 1990 Stark County Toxic Landfill Case  
Miamisburg Train Derailment
- 1989 The Cincinnati Pipefitters Case  
The WD40 Cases  
The Lockerbie, Scotland Case - Pan Am Flight 103
- 1988 The DuPont Plaza Fire in San Juan, Puerto Rico
- 1987 The LTV Bankruptcy-Oglebay Norton Case  
The May Company-Supermarket Anti-Trust Case  
The Home State Savings and Loan Company Case  
The Fernald Nuclear Plant Case
- 1986 The Gander Cases - Arrow Air Disaster
- 1985 Air Canada Air Disaster
- 1984 The Dalkon Shield Case  
The Pan American Crash Disaster  
The Bendectin Case  
The Bhopal India Case
- 1983 The Thurman Munson Plane Crash  
The Hyatt Kansas City Balcony Collapse  
The Air Florida Plane Crash in Washington, D.C.
- 1982 The MGM Fire
- 1981 Asbestos Litigation (Johns - Manville)  
Pick-N-Pay Supermarket Anti-Trust Case (Cleveland & Lorain)
- 1980 The Beverly Hills Supper Club Fire
- 1979 The Sinking of The Edmund Fitzgerald
- 1975 The Kent State Cases
- 1973 The Thalidomide Cases

Other Professional Activities:

Reviewer for the Review of Social Economy, 1971 - 1981.

**CURRICULUM VITAE**

January 2012

Harvey S. Rosen, Ph.D.

**Business Address:** BURKE, ROSEN & ASSOCIATES  
 2800 Euclid Avenue, Suite 300  
 Cleveland, OH 44115  
**Business Phone:** (216) 566-9300  
**E-mail:** h.rosen@burkerosen.com

**Education:**

<b>B.B.A.</b>	Western Reserve University	1964
<b>M.A.</b>	Western Reserve University	
	University of California Berkeley	1966
<b>Ph.D.</b>	Case Western Reserve University	1969

**Academic Experience:**

1966	Lecturer, Western Reserve University
	Lecturer, Cleveland State University
1967 - 1969	Instructor, Cleveland State University
1969 - 1973	Assistant Professor, Cleveland State University
1974 - 1993	Associate Professor, Cleveland State University
1993 - 1994	Retired Associate Professor
11/94-	Associate Professor Emeritus
1999-Present	Adjunct Associate Professor, John Carroll University

**Professional Membership:**

- American Economic Association
- National Association of Business Economists
- Ohio Association of Economists and Political Scientists
- At Large Representative to the Executive Board 1995-96

**Honors and Awards:**

- Recipient of United States Government Fellowship for Graduate Education (NDEA), 1966-1969
- Runner-up - Dissertation Fellowship - Federal Reserve Bank of Cleveland, 1968
- Omicron Delta Epsilon - Honorary in Economics, 1965
- Beta Alpha Psi - Honorary in Accounting, 1964

**Court and Governmental Appointments:**

Franklin County Common Pleas Court as Class Economist – Georgia Pacific Litigation	2002	
Hamilton County Common Pleas Court as Special Master – Bengals Litigation	2001	
Hamilton County Common Pleas Court as Special Master – A & D Building Litigation		1997
Federal Court, Southern District of Ohio – Pfizer Heart Valve	1994	
Federal Bankruptcy Court, Cincinnati – Eagle– Pitcher Reorganization	1992	
Hamilton County Common Pleas Court – BASF Chemical Plant Explosion		1992
Montgomery County Common Pleas Court – CSX Train Derailment, Miamisburg, OH	1991	
Attorney General's Office, State of Ohio – Innocent Victims of Crime Compensation Program	1983	
State Court, Kentucky – Beverly Hills Supper Club Fire		1980
Federal Court, Southern District of Ohio – Beverly Hills Supper Club Fire	1980	

**Private Distributions:**

Cincinnati Pressman Litigation	1984
Cincinnati Carriers Litigation	1997
Indian Creek Elevator	1993-94
Ohio Valley Fireworks	1998

**Limited Fund/Fairness Hearing Analysis & Testimony:**

Eagle-Pitcher  
 Acromed  
 Interneuron (Redux)  
 Teletronics  
 American Home Products (Pfen-fen)  
 Sulzer Medica  
 Microsoft (Consumer Case 2001)  
 UPS EV Settlement (2004)

**Articles and Publications:**

- 2010 Brown, R, ed., *Valuing Professional Practices & Licenses: A Guide for the Matrimonial Practitioner*, 3<sup>rd</sup> ed. (Aspen Publishers 1998-2010), Ch. 31, John F. Burke, Jr., Ph.D and Harvey S. Rosen, Ph. D., "Valuing Educational Attainment as an Educational Asset."
- 1993 "Valuing Educational Attainment as a Distributable Asset, " *Valuing Professional Practices and Licenses: A Guide For The Matrimonial Practitioner*, Edited by Ronald L. Brown, Copyright 1993, Prentice Hall Law & Business, co-authored.
- 1991 Co-editor *Handbook of Financial Planning for Divorce and Separation*, 1992 Supplement, Ed. John Wiley & Sons, Inc., New York, NY, with J.F.B.
- "Uniform Child Support Guidelines", *Financial Planning for Divorce and Separation*, Crumbley Apostolov, Ed., second edition.
- 1990 Reprint, February 1990, "The Value of a Professional License" *Family Advocate*, American Bar Association, Summer, 1984, Vol. 7, No.1, with J.F.B. for use by the Indiana Judicial Center for distribution and application in a seminar to assist in understanding the valuations in closely-held corporations.
- "Economic Models of Valuation in Divorce Proceedings," *Financial Planning for Divorce and Separation*, Crumbley Apostolov, Ed. John Wiley & Sons, Inc., with J.F.B.
- 1987 "Using an Economist in Evaluating Claims," *Settling Personal Injury Insurance Claims in*, Professional Education systems, Inc., 1987, co-authored.
- "Valuing Educational Attainment as a Distributable Asset," *Expert Valuation of Professions: The Value of Law and Medical Degrees and Licenses Upon Divorce*, Edited by Ronald L. Brown, Copyright 1987, Prentice Hall Law & Business, co-authored.
- 1986 "Settling Personal Injury Insurance Claims in Michigan," *Professional Education Systems, Inc.*, Eau Claire, Wisconsin, November 5, 1986, co-authored.
- "Forecasting Enhanced Educational Attainment," *FairShare Law and Business, Inc.*, Harcourt and Brace, Vol. 6, May, 1986, co-authored.
- 1985 "Economic Value of a Professional License," and "Basic Approach to Valuing Closely-Held Corporations," Reprinted in *Contemporary Matrimonial Law Issues: A Guide to Divorce Economics and Practice*, Edited by Foster & Brown, Law & Business, Harcourt, Brace & Jovanovich, New York, 1985.
- 1984 "Consumption & Family Size," *Proceedings of the Industrial Relations Research Association*, Spring, 1984, co-authored.

Articles and Publications: (Continued)

- 1984 "The Value of a Professional License," Family Advocate, American Bar Association, Summer, 1984, Vol 7, No. 1.
- 1983 "Taxes and Compensation for Lost Earnings-A Comment," The Journal of Legal Studies, Vol. 12, No. 1, January, 1983, co-authored.
- "ABC'S of Valuing Closely Held Corporations," FairShare, January 1983. Co-authored
- 1982 "Pseudo String Arrays," Hewlett Packard Basic Exchange, Vol. 3, No. 1, Spring, 1982.
- 1981 "Use of Experts to Establish and Quantify Standard of Living," proceedings of the Education Institute of American Academy of Matrimonial Lawyers, San Diego, California, 1981.
- 1974 "A New Technique for Obtaining Regional Employment Multipliers." Land Economics, January, 1974 co-authored with Vijay Mathur.
- "The Monetary Value of a Housewife: A Replacement Cost Approach." American Journal of Economics and Sociology, January, 1974. Reviewed in Luisella Goldschmidt-Clermont, Unpaid Work in the Household: A review of Economic Evaluation Methods, Geneva: International Labor Office, 1982.
- "The Use of Statistical Analysis for Performance Review," July 1974, in Personal Journal, co-authored with Howard Polster.
- 1973 "An Econometric Technique vs. Traditional Techniques for Obtaining Regional Employment Multipliers: A Comparative Study," Environment and Planning, June, 1973.
- 1972 "An Econometric Export Base Model: A New Technique" in London Papers on Regional Science, 1972, (A Publication of the British Section of the Regional Science Association), co-authored with Vijay Mathur.
- 1969 "A Euro-Dollar Primer," Central Economic Letter, Vol. 8, No. 5, July, 1969.
- "A Cleveland Area Business Index." Central Economic Letter, Vol. 8, No. 1, February, 1969.
- "Monetary Policy and Fluctuating Exchange Rates: The Canadian Experience," an abstract. The Financial Review, Spring, 1969.
- 1968 "The Dollar and Floating Exchange Rates." Central Economic Letter, Vol. 7, No. 12. December, 1968.

Speeches and Seminars:

- 2011 "Damages in Commercial Litigation", presented to the OAJ Seminar on Commercial Damages, Columbus, OH, May 13, 2011
- 2007 Chase Law School, Seminar in Economic Damages
- 1996 Ohio Society of Certified Public Accountants, Cleveland Chapter, Litigation Services Committee, "Damages", November 1996
- 1996 Trial Skills Tune-Up, Trial Fundamentals for Litigators of all Experience Levels to the Cincinnati Bar Association and The John W. Peck Cincinnati Chapter Association of the Federal Bar Association, November 1996.
- 1996 Potter Stewart Inn of Court "Projecting Economic Damages", March 26, 1996.
- 1990 Ohio Personal Injury Damages Seminar. "Working With an Economist" prepared for Professional Education Systems, Inc., April 1990.
- "Measuring Economic Damages in Wrongful Employment Discharge Cases" for Plaintiff Employment Lawyer's Association, October 25, 1990.
- 1988 "The Hedonic Value of Life," to Cleveland Trial Lawyers' Association, November, 1988.

**Speeches and Seminars: (Continued)**

- 1987 "Purchasing Power of Ohio Judges," Prepared for the ~~"Select Committee"~~ at the request of Ohio Judges. February 27, 1987, co-authored.  
  
"Evaluation of a Business," Ohio Association of Trial Lawyers, February 20, 1987, Columbus, Ohio, with James Wilsman and J.F.B.  
  
Federal Trial Practice Seminar prepared at the request of Federal Judge Manos, September 11, 1987, Cleveland, Ohio, with J.F.B.  
  
Mock Cross-Examination - Cleveland Area Civil Trial Attorneys Association, September 14, 1987.
- 1987 Ohio State Hearings on Ohio Insurance Crisis Tort Reform - Invited Testimony, April 9, 1987; April 22, 1987; May 14, 1987.
- 1986 Ohio State Senate Hearings on Ohio Insurance Crisis Tort Reform - Invited Testimony, March 19, 1986.
- 1985 "Consumption Patterns by Size of Family and Income", Eastern Economic Association, Pittsburgh, P.A., March 1985.
- 1984 "More Evidence on Consumption by Family Size", Eastern Economic Association, New York, March, 1984.
- 1983 "Consumption by Family Size: a Labor Relations Study", Presented to the Allied Social Science Association, San Francisco, December 1983.  
  
"Preliminary Evidence on Consumption by Family Size", Atlantic Economic Society, Philadelphia PA., October, 1983.  
  
"A Taxation Algorithm in Personal Injury Awards", Eastern Economic Association, Boston, March 1983.
- 1982 Discussants on "The Offset Method of Calculating Personal Injury Awards", Mid-Western Economic Association, Chicago, April 1982.  
  
"Taxation and Personal Injury Awards as a Result of the Liepelt Decision.", Eastern Economic Association, Washington D.C., March 1982.
- 1981 "Use of Experts to Establish and Quantify Standard of Living," presented at the Education Institute of American Academy of Matrimonial Lawyers. San Diego, California, March, 1981.
- 1975 "Litigators, Computer Simulation and the Regulatory Process." (with co-authors) American Bar Association, Section on Litigation, National Institute, New York, New York, February 7, 1975.
- 1973 "An Econometric Technique vs. Traditional Techniques for Obtaining Regional Employment Multipliers: A Comparative Study," presented at the Monterey meeting of the Western Regional Science Association. Monterey, California, February, 1973.
- 1972 "The Economic Value of an Individual: A Methodology," presented to meetings of the Ohio Academy of Trial Lawyers.
- 1971 "An Econometric Export Base Model: A new Technique," (with Mathur) presented at meetings of the British Section of Regional Science Association, London, England, August 20, 1971.

Consulting Experience:

- 1968-1969      Economic Research Consultant. Central National Bank of Cleveland: Prepared newsletter, devised Cleveland area business index which was published monthly in the bank's newsletter.
- 1969-Present      Called upon to provide economic expertise involving matters of economic damage determination and measurement. There have been cases covering business losses, anti-trust proceedings, discrimination, family law, personal injury and wrongful death.
- Have appeared and been qualified or been deposed as an expert witness in the states of Ohio, Michigan, Kentucky, West Virginia, Massachusetts, Maryland, District of Columbia, Pennsylvania, Louisiana, California, Rhode Island, Texas, New York, Nevada, Colorado, New Jersey, Illinois, Virginia, Tennessee, and Puerto Rico.
- 1995              Reviewer. Financial Practice and Education, Raj Aggarwal, John Carroll University, Editor. Financial Practice and Education has a responsibility to help prospective authors improve the quality of their research and its presentation. Therefore, the job of the reviewer is both to help the editor make accept/reject decisions and to provide the authors with suggestions for improvement of their research.

Selected Cases:

- 1973      The Thalidomide Case
- 1975      The Kent State Case
- 1979      The Sinking of the Edmund Fitzgerald
- 1980      The Beverly Hills Supper Club Fire  
Swine Flu cases for the Justice Department of the Northern District of Ohio
- 1981      Pick 'N Pay Supermarket Anti-Trust Case (Cleveland & Lorain)  
Asbestos Litigation (John Manville)
- 1982      The MGM Fire
- 1983      The Thurman Munson Crash  
The Hyatt Kansas City Collapse  
The Air Florida Crash
- 1984      The Dalkon Shield Case  
The Pan American Crash Disaster  
The Bendectin Case  
The Bhopal India Case
- 1985      The Air Canada Air Disaster
- 1986      The Gander Cases - Arrow Air Disaster
- 1987      The LTV Bankruptcy-Oglebay Norton Case  
The May Company-Supermarket Anti-Trust Case  
The Home State Savings and Loan Company Case  
The Fernald Nuclear Plant Case
- 1989      The Cincinnati Pipefitters Case  
The WD40 Cases
- 1989      The Lockerbie, Scotland Case - Pan Am Flight 103
- 1990      Stark County Toxic Landfill Case  
Miamisburg Train Derailment
- 1992      The BASF Explosion  
USAir Los Angeles Crash
- 1993      Eagle Pitcher Bankruptcy  
Pfizer Heart Valve, US formula  
Mentor Corporation Breast Implant Litigation  
USAir 405 Crash  
USAir Beckley, West Virginia Crash
- 1994      Pfizer Heart Valve Foreign Fracture Panel, Co-Chair

**BURKE, ROSEN & ASSOCIATES**  
2800 Euclid Avenue, Suite 300, Cleveland, OH 44115

John F. Burke Jr., Ph.D.

Harvey S. Rosen, Ph.D.

November 16, 2012

**RE: Dial Soap**

My usual fee for an evaluation of a business or a professional firm (medical doctor, dentist, C.P.A., attorney, etc.) is \$5,500 TO \$7,500 for the typical evaluation or \$395 per hour for the economists' time. A retainer of \$3,500 is necessary to retain our services on these types of cases. If a deposition is necessary, the fee is the same. PLEASE NOTE, this retainer is non-refundable. The evaluation of mid-sized firms (10 to 25 employees) typically is more expensive and frequently involves fees of \$7,500 to \$12,500 and a retainer of \$5,000 is requested to commence work. Firms larger in size will be charged at the hourly rates mentioned above. Situations involving multiple entities will be evaluated and charged separately. Last minute requests or requests for unusual turn around will incur a premium charge.

In addition, should courtroom or deposition testimony be necessary, the fee is \$1,200.00. This \$1,200.00 covers zero to two hours (0 to 2). Additional hours (or portion of) will be billed at \$395 per hour: portal to portal. **Please submit written notice as to any relevant dates, i.e. trial, arbitrations, or negotiations,** so that we may adjust our schedule accordingly to best suit your needs.

Sincerely yours,

Burke Rosen & Associates  
Economists

JFB:HSR:sgs

Telephone: (216) 566-9300

Facsimile (216) 566-0927

e-mail: sarah@burkerosen.com